

# Exhibit 36

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*  
Civil Action No. 07-10248-PBS

Exhibit to the August 28, 2009 Declaration of James J. Fauci In Opposition To  
Corrected Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.  
Local Rule 56.1 Statement of Undisputed Material Facts  
in Support of Their Motion For Summary Judgment

Deposition of Robert Christopher Sykora November 2, 2005

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SUPERIOR COURT  
DOCKET NO. X07 CV-03-0083296-S (CLD)

STATE OF CONNECTICUT, )  
 )  
 Plaintiff, )  
 ) COMPLEX LITIGATION  
 vs. )  
 ) DOCKET at TOLLAND  
 DEY, INC., ROXANE )  
 LABORATORIES, INC., WARRICK )  
 PHARMACEUTICALS CORP., )  
 SCHERING-PLOUGH CORP. and )  
 SCHERING CORPORATION, )  
 )  
 Defendants. )  
 - - - - -

ROBERT CHRISTOPHER SYKORA

Deposition of ROBERT CHRISTOPHER SYKORA,  
taken on behalf of the Plaintiff, at the Hampton  
Inn, 1135 Lakes Parkway, Lawrenceville, Georgia,  
commencing on November 2, 2005, at 9:17 a.m., before  
Joyce E. Harrison, Certified Court Reporter and  
Registered Professional Reporter.

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## Deposition of Robert Christopher Sykora November 2, 2005

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<p>1 Distribution, who was your next employer?</p> <p>2 A. Boehringer Ingelheim.</p> <p>3 Q. And when were you hired by Boehringer</p> <p>4 Ingelheim?</p> <p>5 A. December 1997.</p> <p>6 Q. And do you remain an employee of</p> <p>7 Boehringer Ingelheim today?</p> <p>8 A. I do not.</p> <p>9 Q. Who's your current employer?</p> <p>10 A. Stiefel Laboratories.</p> <p>11 (A discussion was held off the record.)</p> <p>12 Q. Okay, Bob, we just got to the point of, I</p> <p>13 believe, December of 1997, and you indicated at that</p> <p>14 point you became an employee of Boehringer Ingelheim;</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. How long did you remain employed by</p> <p>18 Boehringer Ingelheim?</p> <p>19 A. Through January 2003.</p> <p>20 Q. And at any point during that time period</p> <p>21 were you an employee of Roxane Laboratories?</p> <p>22 A. Technically I was never an employee of</p> <p>23 Roxane Laboratories. I was an employee of Boehringer</p> <p>24 Ingelheim but I worked for Roxane Laboratories for</p> <p>25 three of the four years I was with Ingelheim. I</p>	<p>1 A. S-t-i-e-f-e-l.</p> <p>2 Q. And is Stiefel Laboratories related, as</p> <p>3 far as corporate -- have a corporate relationship</p> <p>4 with Boehringer Ingelheim?</p> <p>5 A. They do not.</p> <p>6 Q. It's a separate company as far as you</p> <p>7 know?</p> <p>8 A. It is.</p> <p>9 Q. And what's your current title with Stiefel</p> <p>10 Laboratories?</p> <p>11 A. Vice president sales and marketing.</p> <p>12 Q. Congratulations.</p> <p>13 And you're based here in Georgia; correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And are you based in Suwanee, Georgia?</p> <p>16 A. Duluth, Georgia.</p> <p>17 Q. Duluth.</p> <p>18 Are there any other former Roxane or</p> <p>19 Boehringer Ingelheim employees with whom you worked</p> <p>20 during your stint at Boehringer Ingelheim that also</p> <p>21 work for Stiefel Labs that you're aware of?</p> <p>22 A. Not that I'm aware.</p> <p>23 Q. Were there any at the time that you first</p> <p>24 came over to Stiefel Labs?</p> <p>25 A. No.</p>
<p style="text-align: center;">Page 23</p> <p>1 represented Roxane Laboratories.</p> <p>2 Q. And when you say you represented Roxane</p> <p>3 Laboratories, do you mean you represented their</p> <p>4 products?</p> <p>5 A. Yes.</p> <p>6 Q. Which were -- those products would have</p> <p>7 been generic products at that time; correct?</p> <p>8 A. Generic products and brand products.</p> <p>9 Q. What was an example of a brand product</p> <p>10 that Roxane had during that time period?</p> <p>11 A. Viramune.</p> <p>12 Q. What was Viramune for?</p> <p>13 A. AIDS and HIV.</p> <p>14 Q. Was that co-marketed with Boehringer</p> <p>15 Ingelheim?</p> <p>16 A. No.</p> <p>17 Q. It was solely marketed through Roxane?</p> <p>18 A. Correct.</p> <p>19 Q. And you mentioned you stayed with</p> <p>20 Boehringer Ingelheim through January 2003; correct?</p> <p>21 A. Correct.</p> <p>22 Q. Who was your next employer following your</p> <p>23 stay with Boehringer Ingelheim?</p> <p>24 A. Stiefel Laboratories.</p> <p>25 Q. Spell that, please.</p>	<p style="text-align: center;">Page 25</p> <p>1 Q. Is Stiefel Labs in the generic</p> <p>2 multi-source business? Do they manufacture generic</p> <p>3 multi-source products?</p> <p>4 A. They do.</p> <p>5 Q. Do they manufacture brand products as</p> <p>6 well?</p> <p>7 A. They do.</p> <p>8 Q. What are some of their more well-known</p> <p>9 products?</p> <p>10 A. Brand Duac. Generic griseofulvin.</p> <p>11 Q. What's Duac for?</p> <p>12 A. Acne.</p> <p>13 Q. And then the generic that you just</p> <p>14 mentioned, what's that for?</p> <p>15 A. Fungal infections.</p> <p>16 Q. Okay. Well, let's go back to the time</p> <p>17 period of December 1997 when you first started</p> <p>18 working with Boehringer Ingelheim. What was your</p> <p>19 first position with Boehringer Ingelheim?</p> <p>20 A. Director national accounts.</p> <p>21 Q. And how long did you stay in that</p> <p>22 position?</p> <p>23 A. Three years.</p> <p>24 Q. And then what was your next position with</p> <p>25 Boehringer Ingelheim?</p>

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<p>1 A. Executive director managed care.</p> <p>2 Q. And how long did you stay in that</p> <p>3 position?</p> <p>4 A. Two years.</p> <p>5 Q. And then did you move to another position</p> <p>6 with Boehringer Ingelheim?</p> <p>7 A. I moved to Stiefel Laboratories.</p> <p>8 Q. Let's just focus first on your three-year</p> <p>9 stint as a director of national accounts with</p> <p>10 Boehringer Ingelheim, okay?</p> <p>11 A. Okay.</p> <p>12 Q. Who did you report to during that time</p> <p>13 period?</p> <p>14 A. Richard Feldman.</p> <p>15 Q. Was Chris Boneham still with Boehringer</p> <p>16 Ingelheim at that time?</p> <p>17 A. He was.</p> <p>18 Q. And what was his title?</p> <p>19 A. Something with key accounts.</p> <p>20 Q. He was not a director of national accounts</p> <p>21 at that point; correct?</p> <p>22 A. He was not director of national accounts,</p> <p>23 correct.</p> <p>24 Q. And you reported to Richard Feldman. Do</p> <p>25 you know who Richard Feldman reported to during that</p>	<p>1 Q. And the individuals that you just named as</p> <p>2 your national account managers, did they report</p> <p>3 directly to you?</p> <p>4 A. They did.</p> <p>5 Q. Okay. So what were your job</p> <p>6 responsibilities during this 1997 to 2000 time period</p> <p>7 when you were the director of national accounts</p> <p>8 for -- was it for Boehringer Ingelheim; is that</p> <p>9 correct?</p> <p>10 A. The first three years was for -- I was a</p> <p>11 Boehringer employee but my oversight was Roxane Labs.</p> <p>12 Q. Okay. Let's focus on that time. What</p> <p>13 were your job responsibilities during that time</p> <p>14 period?</p> <p>15 A. Oversight and supervision of the national</p> <p>16 account managers.</p> <p>17 Q. Any other responsibilities?</p> <p>18 A. That was enough.</p> <p>19 Q. That kept you busy?</p> <p>20 A. Yes.</p> <p>21 Q. With respect to oversight and supervision</p> <p>22 of these national account managers, what did that</p> <p>23 entail? What did you do to perform that function?</p> <p>24 A. Interact with them, talk to them, answer</p> <p>25 questions, identify opportunities, review customers</p>
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<p>1 time period?</p> <p>2 A. Part of the time, Ed Tupa, part of the</p> <p>3 time, Mike Leonetti.</p> <p>4 Q. And were you assigned a particular region</p> <p>5 during your time period as a director of national</p> <p>6 accounts?</p> <p>7 A. No.</p> <p>8 Q. What were your responsibilities as far as</p> <p>9 who did you call on during that time period?</p> <p>10 A. I didn't call on anybody. I had a sales</p> <p>11 force.</p> <p>12 Q. Who was in your sales force during that</p> <p>13 time period?</p> <p>14 A. National account managers.</p> <p>15 Q. And how many national account managers</p> <p>16 were there?</p> <p>17 A. Six.</p> <p>18 Q. And who were they?</p> <p>19 A. Names?</p> <p>20 Q. Yes.</p> <p>21 A. Tom Via, V-i-a, Dawn Gordon, Penny</p> <p>22 Hawthorne, an E at the end. Steve Snyder,</p> <p>23 S-n-y-d-e-r. Colin Carr-Hall, hyphenated,</p> <p>24 C-a-r-r-H-a-l-l. Later on Anthony Tavalaro and Mike</p> <p>25 Doan, D-o-a-n. Tavalaro is T-a-v-a-l-a-r-o.</p>	<p>1 and accounts.</p> <p>2 Q. Did you travel with them to their</p> <p>3 customers occasionally?</p> <p>4 A. Yes.</p> <p>5 Q. How often would you do that?</p> <p>6 A. It would vary. Maybe once a week. It may</p> <p>7 be not for several months.</p> <p>8 Q. Were you involved at all in contract</p> <p>9 negotiations?</p> <p>10 A. Contract negotiations, yes.</p> <p>11 Q. And what was your involvement with respect</p> <p>12 to contract negotiations during that time period?</p> <p>13 A. Face to face interaction between the</p> <p>14 customer and the national account manager. I would</p> <p>15 often give advice, suggestions as to how that</p> <p>16 interaction should occur.</p> <p>17 Q. And would you give that advice to your</p> <p>18 national account managers?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. Would you also have face-to-face</p> <p>21 meetings or opportunities with the customers</p> <p>22 themselves?</p> <p>23 A. Occasionally.</p> <p>24 Q. What customers do you recall having</p> <p>25 face-to-face interaction with during that three-year</p>